

V. REMARKS

Claims 1, 2 and 8 are rejected under 35 U.S.C. 102(b or e) as anticipated by Hashimoto et al. (U.S. Patent No. 6,183,159). The rejection is respectfully traversed.

Hashimoto teaches a vehicular soil treating machine. The Examiner asserts that this soil treating machine includes paddle mixers, a hydraulic drive motor, a speed controller, a working mode setting device and a controller.

Claim 1 is directed to a rotational speed controller for mixing equipment of a soil modifying machine for mixing and modifying soil to be modified that includes a mixer rotating to mix soil to be modified; drive means for rotationally driving said mixer; speed control means for controlling rotational speed of said drive means based on an inputted rotational speed command value; working mode setting means for outputting a working mode signal for setting a desired grain diameter of modified soil in accordance with a kind of soil to be modified; and a controller for outputting the rotational speed command value corresponding to the working mode signal to said speed control means.

In line 60 of column 17 to line 19 of column 18 of Hashimoto, the paddle mixer is controlled to rotate in accordance with the viscosity of soil for the purpose of encouraging reactions between soil and an additive soil improving material and preventing soil from entangling around the paddles to hinder the rotation of the paddle mixer" is described.

In contrast, in the amended claim 1, "working mode setting means for outputting a working mode signal for setting a desired grain diameter of modified soil in accordance with a kind of soil to be modified" and "a controller for outputting the rotational speed command value corresponding to the working mode signal to the speed control means" are included. According to this constitution, the problem that "when a kind of earth to be modified is changed, a desired grain diameter of modified soil can hardly be obtained" is solved. Namely, the grain diameter of soil is conformed to the grain diameter for the use purpose, and therefore, even if the kind of earth to be modified is changed, a desired grain diameter of the modified soil can be obtained. In addition, it is also made possible to reduce abrasion of the mixer and simplify the operation.

It is respectfully submitted that the constitution and operational effects as described above are not disclosed or suggested in the applied art. As a result, one of ordinary skill any art would not be motivated to modified the features on the applied art because the applied art is devoid of such features. It is respectfully submitted that, for the reasons set forth above, claim 1 is allowable over the applied art.

Claims 2 and 8 depend from claim 1 and include all of the features of claim 1. Thus, it is respectfully submitted that the dependent claims are allowable at least for the reason claim 1 is allowable as well as for the features they recite.

Withdrawal of the rejection is respectfully requested.

Claim 7 is rejected under 35 U.S.C. 103(a) as unpatentable over Hashimoto in view of Komoriya et al. (U.S. Patent No. 6,000,641). The rejection is respectfully traversed.

Komoriya teaches a machine for crushing and mixing soil.

Claim 7 depends from claim 1 and includes all of the features of claim 1.

Thus, it is respectfully submitted that claim 7 is allowable at least for the reason claim 1 is allowable as well as for the features it recites.

Withdrawal of the rejection is respectfully requested.

Newly-added claims 14 and 15 also include features not shown in the applied art.

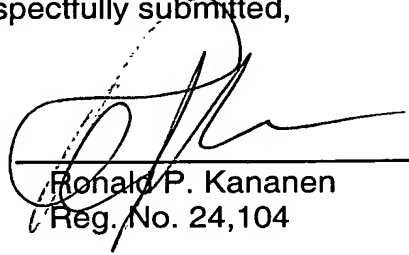
In view of the foregoing, reconsideration of the application and allowance of the pending claims are respectfully requested. Should the Examiner believe anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' representative at the telephone number listed below.

Should additional fees be necessary in connection with the filing of this paper or if a Petition for Extension of Time is required for timely acceptance of the same, the Commissioner is hereby authorized to charge Deposit Account No. 18-0013 for any such fees and Applicant(s) hereby petition for such extension of time.

Respectfully submitted,

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By: _____


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